



DELAWARE DEPARTMENT OF AGRICULTURE

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To: Newsroom Directors and Assignment Editors

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DE CAFO Regulations Modified for Public Hearings **Draft of standards to be reviewed during June hearings**

The Delaware Nutrient Management Commission, Department of Agriculture, and Department of Natural Resources and Environmental Control have approved draft regulations to create the Delaware Concentrated Animal Feeding Operation (CAFO) program. Public hearings will be held to accept comments and are scheduled as indicated:

- June 22, 2005: Delaware Department of Agriculture, Camden, 7:00 PM
- June 23, 2005: Gumboro Fire Hall, Gumboro, 7:00 PM

The modified regulations are different than those approved in December, 2004 because of a federal appeals court that ruled in March. The ruling stated that Animal Feeding Operations (AFO) do not have to apply for a National Pollutant Discharge Elimination System (NPDES) permit unless they discharge into public waters. Past regulations required a permit for large farms such as 125,000 poultry capacity farm regardless of whether a discharge was present or not. Bill Rohrer, Nutrient Management Program Administrator, says: "This change should have little impact to Delaware animal farms because of the State Nutrient Management Law. Most farms are already required to manage nutrients to prevent pollution. By January 2007, all farms will be mandated as required by the Nutrient Management Law. The functional difference is that the Environment Protection Agency will have less involvement."

Animal farms will be affected if they demonstrate a significant threat to the environment such as animals in surface water, improper mortality management, spills or discharges from the manure management system, or non-compliance with the State Nutrient Management Law. CAFO requirements include the following:

- A signed notice of intent by the farm owner or management
- A nutrient management plan
- Adequate mortality management
- Adequate manure storage
- Separation of clean water from manure and or animals
- Manure application setbacks to surface waters and ditches
- Certification through the state Nutrient Management Program
- Annual report
- Manure management records

The Delaware CAFO standards are required by regulations issued by the Environmental Protection Agency (EPA). Authority for CAFO permits falls under the Department of Natural Resource and Environmental Control but will be administered by the State Nutrient Management Program within the Department of Agriculture.

For more information, please call Bill Rohrer at (302) 698-4500 or (800) 282-8685 (DE only). The draft regulations are also available on the DDA website (<http://www.state.de.us/deptagri/nutrients/index.htm>).

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